

DETAILED ACTION

Notice to Applicant

1. This communication is in response to Amendment filed on 10/09/07. Claims 1, 4-6, 8, and 10 have been amended. Claims 1-10 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Land et al (6,807,533) in view of Brown et al (6,532,450), for substantially the same reasons given in the previous Office Action, and incorporated herein. Further reasons are presented hereinbelow.

Claim 1 has been amended to recite the limitations of “to obtain overdue accounts receivable data and corresponding bad account provision rates for respective accounts receivable”, and “according to the bad account provision rates” and “electronically”. However these limitations have been clearly shown in Brown See Fig.5, Col.6, lines 31-67; Col.15, lines 14-67 to Col.16, line 25).

Claims 4 and 5 have been slightly amended to include the word "electronically". However, this change does not affect the scope and the breadth of the claim as previously

presented. Therefore, the claim is rejected for the same reasons given in previous Office Action, and incorporated herein.

Claim 6 has been amended to recite the limitations of "from a database server", "to obtain overdue accounts receivable data and corresponding bad account provision rates for respective accounts receivable". However these limitations have been clearly shown in Land, Col.3, lines 24-36; Col.14, lines 16-63).

Claim 8 has been amended to include the article "the". However, this change does not affect the scope and the breadth of the claim as previously presented. Therefore, the claim is rejected for the same reasons given in previous Office Action, and incorporated herein.

Claim 10 has been amended to recite the limitations of "the system", "categorizing", "said" and "to obtain overdue accounts receivable data and corresponding bad account provision rates for respective accounts receivable". However these limitations have been clearly shown Brown See Fig.5, Col.6, lines 31-67; Col.15, lines 14-67 to Col.16, line 25).

Claims 2-3, 7 and 9 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

4. Applicant's arguments filed on 10/09/07 with respect to claims 1-10 have been fully considered but they are not persuasive.

(A) At pages 7-12 of the response filed on 10/09/07, Applicant's argues the followings:

(i) Land fails to teach or suggest the feature of "a database server for storing accounts receivables data".

(ii) Land fails to teach or suggest the feature of "an application server electronically connected with the database server for accessing and processing data stored in the database server.

(iii) Brown fails to disclose the account age analyzing module or the bad account provision calculating module.

(iv) Brown and Land whether taken alone or in combination do not teach the present invention.

(B) With respect to Applicant's first argument, Examiner respectfully submitted that He relied upon the clear teaching of Brown See Col.8, lines 23-67 to Col.9, line 61; Col.10, lines 32-67 to Col.11, line 24 which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(C) With respect to Applicant's second argument' Examiner respectfully submitted that He relied upon the clear teaching of Brown See Col.9, lines 1-61; Col.15, lines 39-67) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(D) With respect to Applicant's third argument, Examiner respectfully submitted that He relied upon the clear teaching of Brown See Col.6, lines 31-67 which correspond to Applicant's

claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(E) With respect to Applicant's fourth argument, Examiner respectfully submitted that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges*, 783 F.2d 1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart*, 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976). Using this standard, the Examiner respectfully submits that he has at least satisfied the burden of presenting a *prima facie* case of obviousness, since he has presented evidence of corresponding claim elements in the prior art and has expressly articulated the combinations and the motivations for combinations that fairly suggest Applicant's claimed invention.

Rather, Applicant does not point to any specific distinction(s) between the features disclosed in the references and the features that are presently claimed. In particular, 37 CFR 1.111(b) states, "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the reference does not comply with the requirements of this section." Applicant has failed to specifically point out how the language of the claims patentably distinguishes them from the applied references. Also, arguments or conclusions of Attorney cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326 F.2d 769, 140 USPQ 230 (1964); *In re Schulze*, 52

CCPA 1422, 346 F.2d 600, 145 USPQ 716 (1965); *Mertizner v. Mindick*, 549 F.2d 775, 193 USPQ 17 (CCPA 1977).

In addition, the Examiner recognizes that references cannot be arbitrarily altered or modified and that there must be some reason why one skilled in the art would be motivated to make the proposed modifications. However, although the Examiner agrees that the motivation or suggestion to make modifications must be articulated, it is respectfully contended that there is no requirement that the motivation to make modifications must be expressly articulated within the references themselves. References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures, *In re Bozek*, 163 USPQ 545 (CCPA 1969).

The Examiner is concerned that Applicant apparently ignores the mandate of the numerous court decisions supporting the position given above. The issue of obviousness is not determined by what the references expressly state but by what they would reasonably suggest to one of ordinary skill in the art, as supported by decisions in *In re DeLisle* 406 Fed 1326, 160 USPQ 806; *In re Kell, Terry and Davies* 208 USPQ 871; and *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ 2d 1596, 1598 (Fed. Cir. 1988) (citing *In re Lalu*, 747 F.2d 703, 705, 223 USPQ 1257, 1258 (Fed. Cir. 1988)). Further, it was determined in *In re Lamberti et al*, 192 USPQ 278 (CCPA) that:

- (i) obviousness does not require absolute predictability;
- (ii) non-preferred embodiments of prior art must also be considered; and
- (iii) the question is not express teaching of references, but what they would suggest.

Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F

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/Gerald J. O'Connor/
Primary Examiner
Group Art Unit 3627